
APPENDIX H: OTHER INFORMATION



NIGHTCAP URBAN VILLAGE

Contaminated Land Assessment

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Document Control					
Version	Date	Author		Reviewer	
		Name	Initials	Name	Initials
1	1 February 2008	Cherie O'Sullivan	COS	Catriona Sutcliffe	CS
2	14 February 2008	Cherie O'Sullivan	COS	Catriona Sutcliffe	CS
3	10 June 2008	Cherie O'Sullivan	<i>COS</i>	Pauline Jacob	<i>PRJ</i>

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NIGHTCAP URBAN VILLAGE CONTAMINATED LAND ASSESSMENT

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APPENDICES

APPENDIX A	Contaminated Lands Investigation
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1. INTRODUCTION

This Contaminated Land Assessment has been prepared on behalf of Peter Van Lieshout for Lot 3 on DP771335, Lot 4 on DP737440, Lot 121 on DP134446, Lot 3 on DP 755714 and Lot 34 on DP 755714 located on the Uki-Kyogle Road, Kunghur, Tweed Shire (the site).

The objectives of this assessment is to undertake a desktop review of available information to determine whether the site contains contaminated land or has a history of activities that would cause land contamination.

This investigation has collated available information required by the Tweed Shire Council (Council) Contaminated Land Policy adopted 15 December 2004 (the Policy), to determine the likelihood of land contamination. The results are based on a search of Council and New South Wales Environmental Protection Agency (EPA) records, interrogation of historical aerial photography and an examination of topographical information.

It is relevant to note that the EPA has been absorbed by the Department of Environment and Climate Change (DECC), however, DECC acts under the powers of the statutory Environment Protection Authority for regulatory matters for environment protection. Both EPA and DECC are interchanged throughout this document as appropriate.

2. SITE DESCRIPTION

The site is described as Lot 3 on DP771335, Lot 4 on DP737440, Lot 121 on DP134446, Lot 3 on DP 755714 and Lot 34 on DP 755714 encompassing a total area of 434 ha. The site is located on the Uki-Kyogle Road, 12 km south-west of Uki and is situated on the Tweed River in the valley between Mt Warning and the Nightcap Ranges. A plan of the site's locality is presented as Figure 1.

The site is bound to the:

- south by Uki-Kyogle Road and to the south-west by a native plantation forest;
- north by partially cleared land and existing rural dwellings;
- east by partially cleared land and the Uki-Kyogle Road; and
- west by bushland.

The site is elevated at approximately 100m Australian Height Datum (AHD). The southern sectors of the site are traversed by the Tweed River which flows in an easterly direction across the site.

The majority of the site is highly disturbed as a consequence of past vegetation clearance events.

Pursuant to the *Tweed Local Environment Plan 2000* ("*Tweed LEP*") parts of Lot 121 on DP134446 (Lot 121) have a 2(d) Village designation which is classified as a Residential area with the remainder of the site zoned for a 1(a) Rural designation under the *Tweed LEP*.

No information on zonings of the land under previous planning schemes was available for this report.

3. PROPOSED LAND USE

Peter Van Lieshout proposes to develop the parts of Lot 121 within the site with the Nightcap Rural Village, a residential development in accordance with the "2(d) Village" designation under the *Tweed LEP*. The Nightcap Rural Village would consist of:

- Village Lots;
- Village Housing precinct;
- Mixed Village precinct;
- Tourism and Special Uses areas;
- Open Space areas (Village Green, Sports Display, Market Garden);
- Environmental Open Space;
- two centrally located dams;
- Parking; and
- Rehabilitation Areas.

4. INFORMATION REVIEW

A desktop review of available information on the site in respect of contamination has been undertaken.

4.1 Council Contaminated Land Investigation

Council records for each lot within the site identified no known potentially contaminating activities. The results of the Contaminated Land Investigation are provided herewith as Appendix A.

It is relevant to note that only approved land uses that have the potential to contaminate the site are recorded by Council.

4.2 Planning Certificate

Section 149 of the *Environmental Planning and Assessment Act 1979* (EPA Act) provides for Local Council Authorities to issue Planning Certificates with details of all planning issues relevant to particular parcels of land.

Cardno has obtained a Planning Certificate under Section 149 of the EPA Act for the site.

The Planning Certificate indicated that the Tweed Shire Council does not hold any records that suggest the site would contain contaminated land. A copy of the Planning Certificate obtained under Section 149 of the EPA Act is included as Appendix B.

The Planning Certificate acknowledges that Tweed Shire Council has not prepared any detailed information as to whether this land has been previously contaminated and there may be gaps in the information provided.

4.3 Licensed Activities

The public register established under Section 308 of the *Protection of the Environment Operations Act 1997* (the POEO Act) contains:

- environment protection licences;
- applications for new licences and to transfer or vary existing licences;
- environment protection and noise control notices;
- convictions in prosecutions under the POEO Act;
- the results of civil proceedings;
- licence review information;
- exemptions from the provisions of the POEO Act or regulations;
- approvals granted under clause 9 of the POEO (Control of Burning) Regulation; and
- approvals granted under clause 7A of the POEO (Clean Air) Regulation.

The public register under section the POEO Act indicates whether any notifiable activities that require licensing pursuant to the POEO Act have been authorised for the site.

A search of the public register on 9 June 2008 under Section 308 of the POEO Act identified no records for the site.

Only licensed uses are documented in the public register and illegal uses that may cause contamination are not recorded.

4.4 Contaminated Land Record

The Contaminated Land Public Record is a searchable database of:

- actions taken by the EPA/DECC under sections 15, 17, 19, 21, 23, 26 or 28 of the *Contaminated Land Management Act 1997* (CLM Act);
- actions taken by the EPA/DECC under section 35 or 36 of the *Environmentally Hazardous Chemicals Act 1985* (EHC Act) * ;and
- site audit statements provided to the EPA under section 52 of the CLM Act on sites subject to an in-force declaration or order.

* Some notices under section 35 of the EHC Act 1985 were issued by the State Pollution Control Commission, which was the Government Agency responsible for managing contaminated sites before the EPA was established in 1992 in NSW.

Section 58 of the CLM Act requires the EPA/DECC to make available copies or details of these notices to the public.

Specifically, the notices in the record are:

- copies of declarations of land as investigation areas or remediation sites;
- copies of investigation orders;
- copies of remediation orders;
- copies of site audit statements provided to the EPA/DECC for site audits carried out for the purposes of a statutory requirement and relating to land that is subject to a declaration or order that is in force;
- notes of the existence of voluntary investigation or remediation proposals agreed to by the EPA/DECC; and
- copies of notices requiring the maintenance of remediation action.

A search of the Contaminated Land Record was undertaken on 9 June 2008 via the NSW DECC website. The site was not listed as having received a notice pursuant to the Contaminated Land Record. A copy of the records for sites listed within the Tweed Shire is included as Appendix C.

It is relevant to note that not all sites that may be contaminated have received a notice from the EPA/DECC under Section 58 of the CLM Act.

4.5 Topographic Mapping

The Council Contaminated Land Investigation outlined in Section 4.1 also included a search of relevant 1:25,000 and 1:50,000 topographic maps as follows:

- Brays Creek 9541-111-S 1:25,000 1975;

- Brays Creek 9541-111-S 1:25,000 1986;
- Brays Creek 9541-3-S 1:25,000 1986;
- Brays Creek 9541-3S 1:25,000 2002; and
- Tyalgum 9541-111 1:50,000 1969.

The topographic maps did not identify any potentially contaminating activities on the subject site prior to 1986.

Potential off site sources of contamination located on the topographic maps include the Kunghur Yards located on the northern banks of the Tweed River, approximately 1 km north east of the site at an elevation of approximately 80m AHD.

Mark Longbottom, Environmental Health Officer of Tweed Shire Council has indicated that the Kunghur Yards contain a Cattle Tick Dip, however, given the Kunghur Yards are located at a lower elevation and also downstream of the site, there is a low probability that any contamination associated with the Kunghur Yards Cattle Tick Dip would migrate to the site.

4.6 Historical Aerial Photography

An interrogation of historical aerial photography of the site was undertaken for the following years.

- 1954
- 1962
- 1971
- 1979
- 1991
- 2000
- 2004

These historical aerial photographs of the site are provided in Figure 2-Figure 8.

No aerial photographs were available prior to 1954.

The site was substantially cleared in the 1954 photograph and, given the amount of regrowth, it appears that little additional clearing has occurred since then. The extent of clearing in the 1954 photograph indicates that the site has been used for livestock grazing. The aerial photographs do not show any signs of potentially contaminating activities listed in Schedule 1 of the Policy.

5. CONCLUSION AND RECOMMENDATIONS

Information obtained from Council records, EPA/DECC records, historical aerial photography and topographical maps in relation to the history of potentially contaminating activities on the site was reviewed as part of this report. The available information is limited to providing information on documented and photographed landuses.

The available information shows no evidence of any known potentially contaminating activities on the site. No further investigations are recommended.

Due to the limitation in information, it is recommended that the management of construction activities for the Nightcap Village includes a defined strategy for the management of contaminated land, should evidence of contamination be identified during construction works. Such evidence may include visual or olfactory evidence or anecdotal information.

The strategy for managing any contamination identified during construction works should include the isolation of suspect material, testing as necessary to determine the nature and extent of contamination, and appropriate treatment or disposal of contaminated material as required.

FIGURES

- Figure 1 Locality Plan**
- Figure 2 Aerial Photograph of Site 1954**
- Figure 3 Aerial Photograph of Site 1962**
- Figure 4 Aerial Photograph of Site 1971**
- Figure 5 Aerial Photograph of Site 1979**
- Figure 6 Aerial Photograph of Site 1991**
- Figure 7 Aerial Photograph of Site 2000**
- Figure 8 Aerial Photograph of Site 2004**

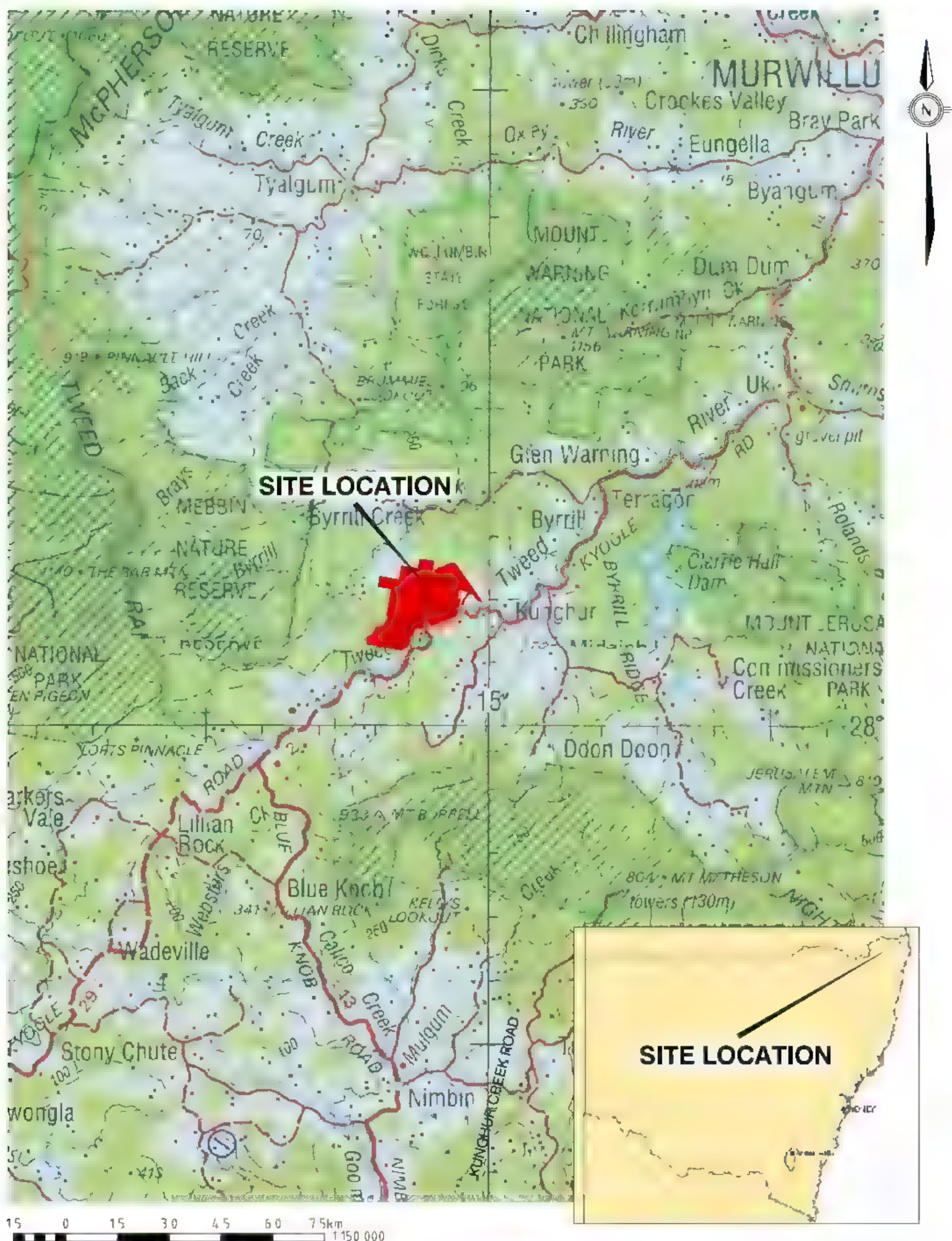


FIGURE 1
LOCALITY PLAN

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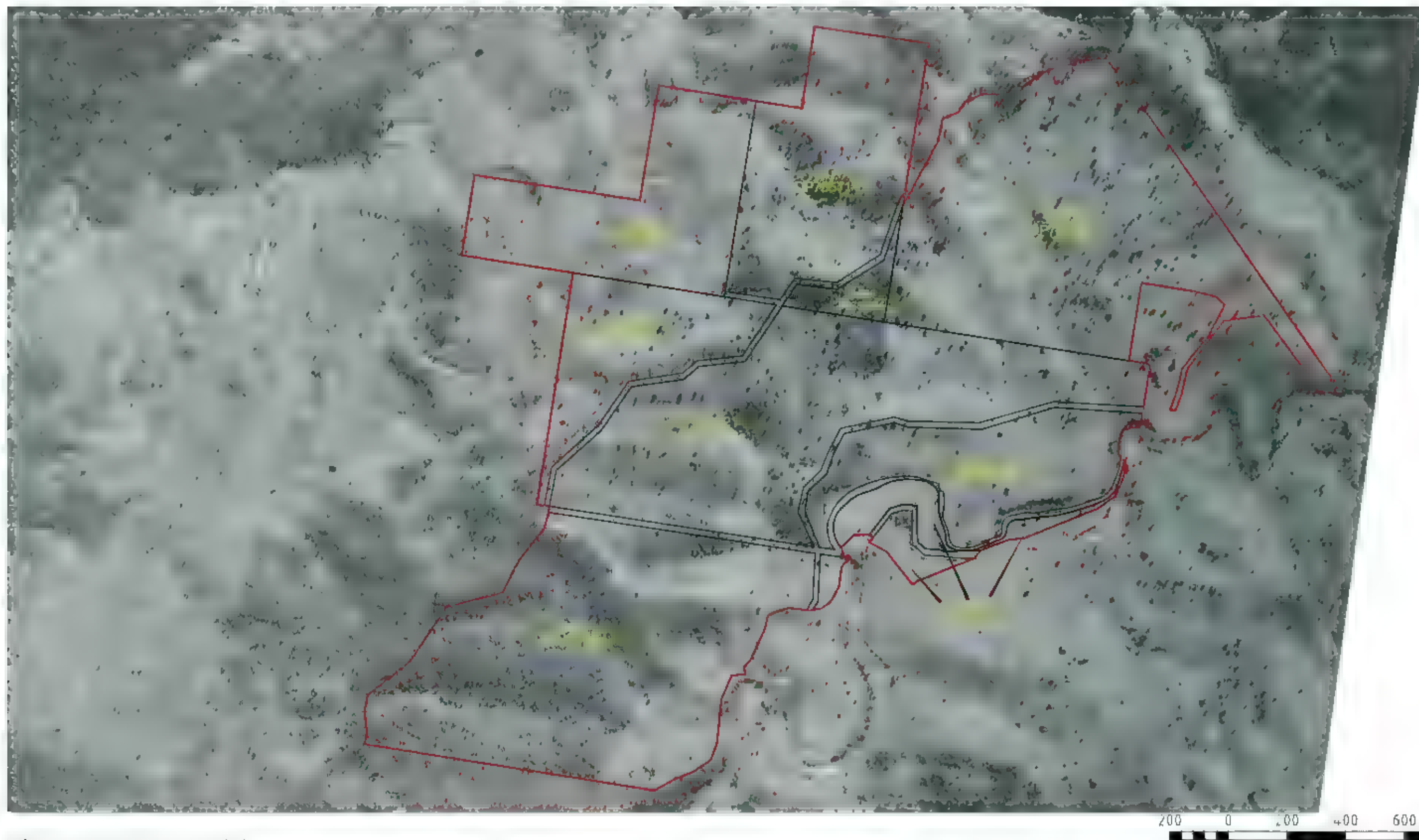
Rev: Orig. Date: 25 January 2008

Peter Van Lieshout

A File: \\cardno\cardno\Projects\Nightcap Village\Figure 1 Locality Plan.dwg
KH File: \\cardno\cardno\Projects\Nightcap Village\Figure 1 Locality Plan.dwg

Project No.: 3500/53

PRINT DATE 10 June 2008 8:56am



LEGEND

 Site boundary

200 0 200 400 600 800 1000m 120 000

Scale 1:20,000(A4)

FIGURE 2

AERIAL PHOTOGRAPH OF SITE - 1954

Aerial photographs sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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Rev: Orig. Date: 27 May 2008

Peter Van Lieshout

LAC 3400 51 ATAD\Contaminated Land Assessment\Figure 2\F5 - Historical Aerial Photography v3.dwg
XRL 5

Project No.: 3500/53

PRINT DATE 11 June, 2008 - 8:38am



200 0 200 400 600 800 1000m
1:20,000

LEGEND

 Site boundary

Scale 1:20,000(A4)

FIGURE 3

AERIAL PHOTOGRAPH OF SITE - 1962

Aerial photographs sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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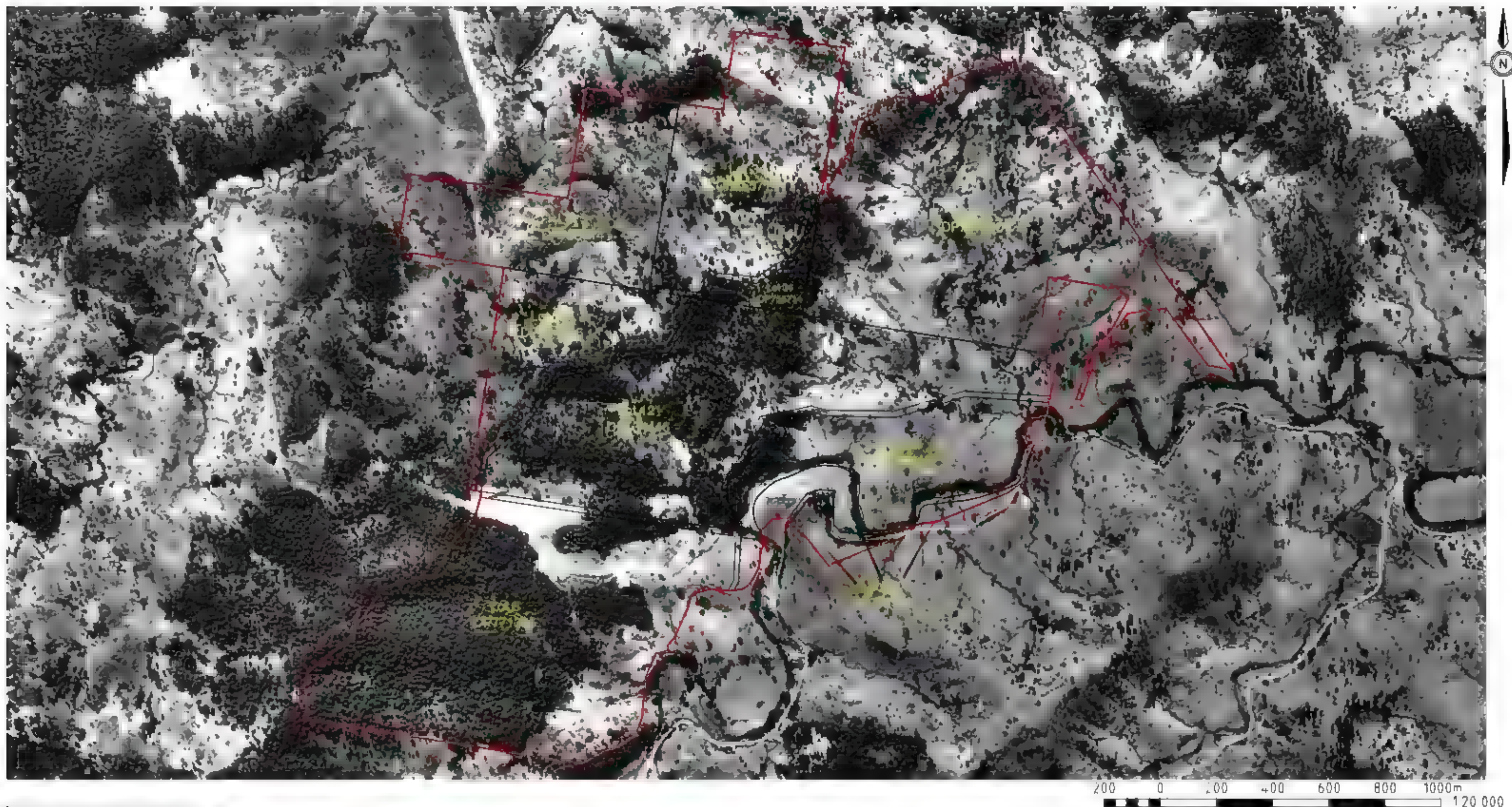
Rev: Orig. Date: 27 May 2008

Peter Van Lieshout

LAD FILE 113500 53 ATAD Contaminated Land Assessment - Figure 2 of 5 - Aerial Aerial Photography v1.dwg
XCL 5

Project No.: 3500/53

PRINT DATE: June 2008 8:41 am



Aerial photography sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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File: 3500_3_A_Aerial contaminated Land Assessment - Figure 2 - 1971 - Nightcap Aerial Photography - v1.dwg
Xref:

LEGEND

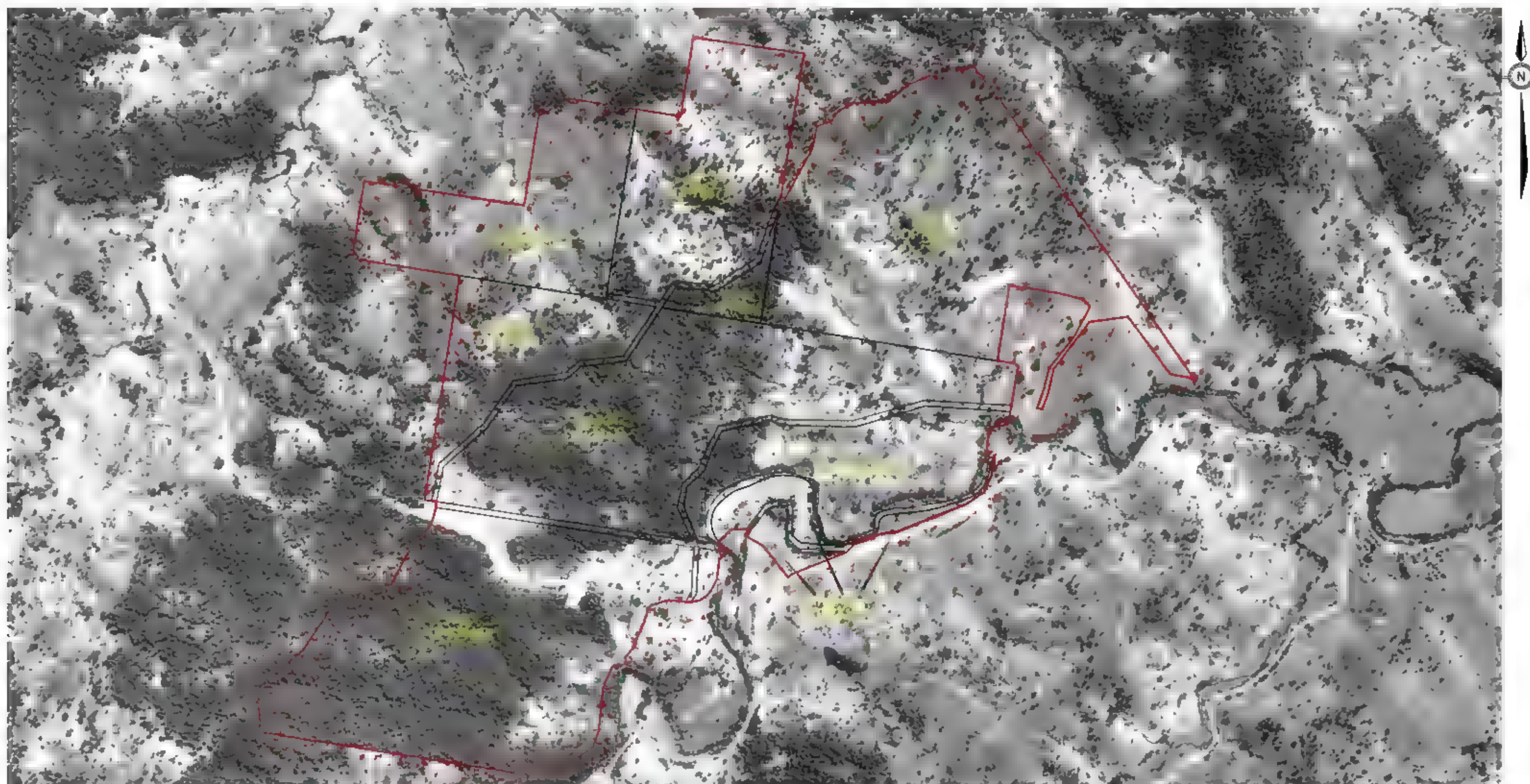
 Site boundary

Scale 1:20,000(A4)

FIGURE 4 AERIAL PHOTOGRAPH OF SITE - 1971

Project No.: 3500/53

PRINT DATE: 11 June 2008 8:47am



200 0 200 400 600 800 1000m 120 000

LEGEND

 Site boundary

Scale 1:20,000(A4)

FIGURE 5

AERIAL PHOTOGRAPH OF SITE - 1979

Aerial photographs sourced from Department of Lands NSW
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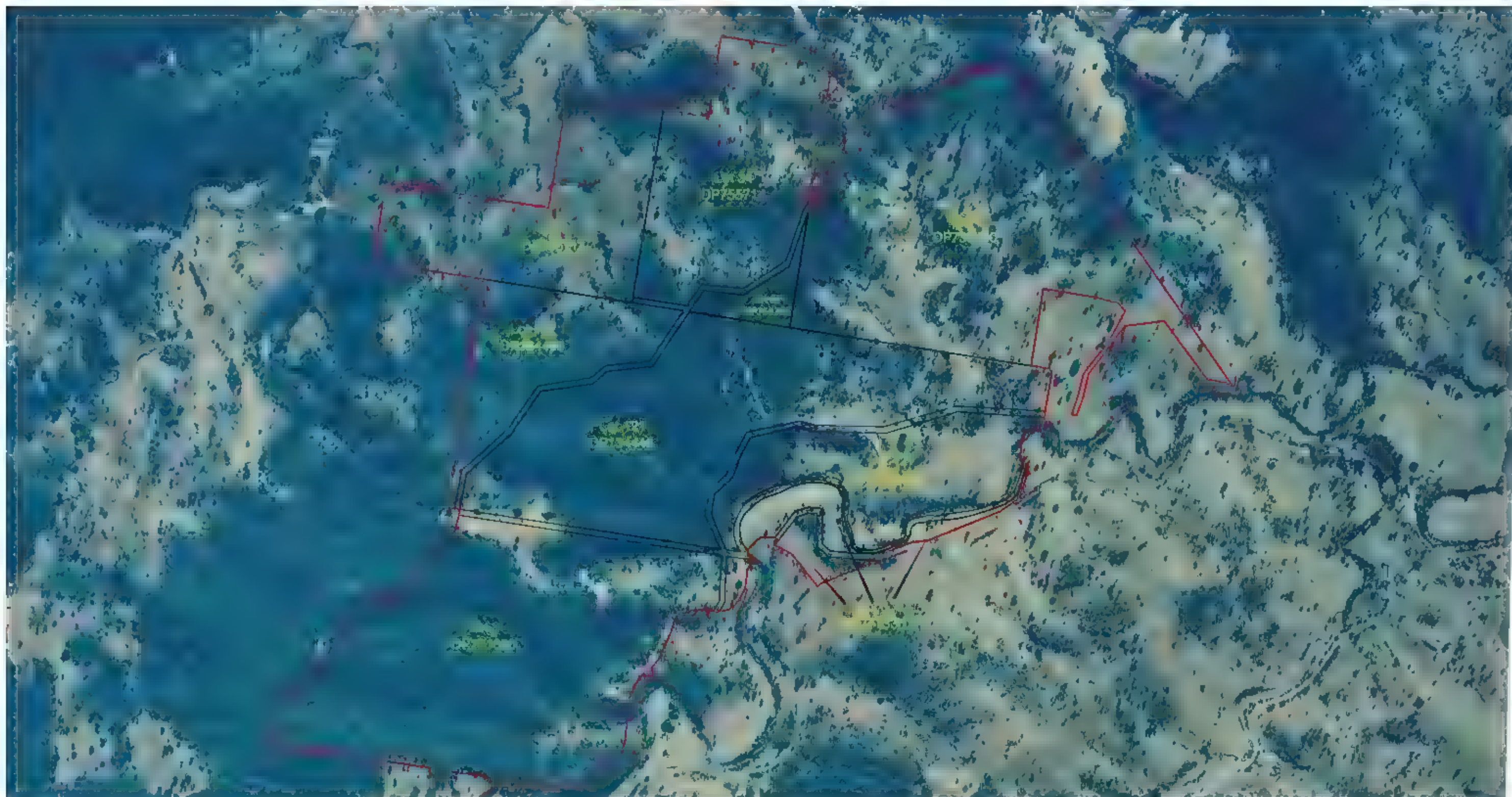
Rev: Orig. Date: 27 May 2008

Peter Van Lieshout

CAD FILE 1\3500 53\AFAD\Contaminated Land Assessment\Figure 2\F5 - Historical Aerial Photography v3.dwg

Project No.: 3500/53

PRINT DATE 11 June 2008 8:42am



200 0 200 400 600 800 1000m 120 000

Scale 1:20,000(A4)

LEGEND

 Site boundary

FIGURE 6 AERIAL PHOTOGRAPH OF SITE - 1991

Aerial photographs sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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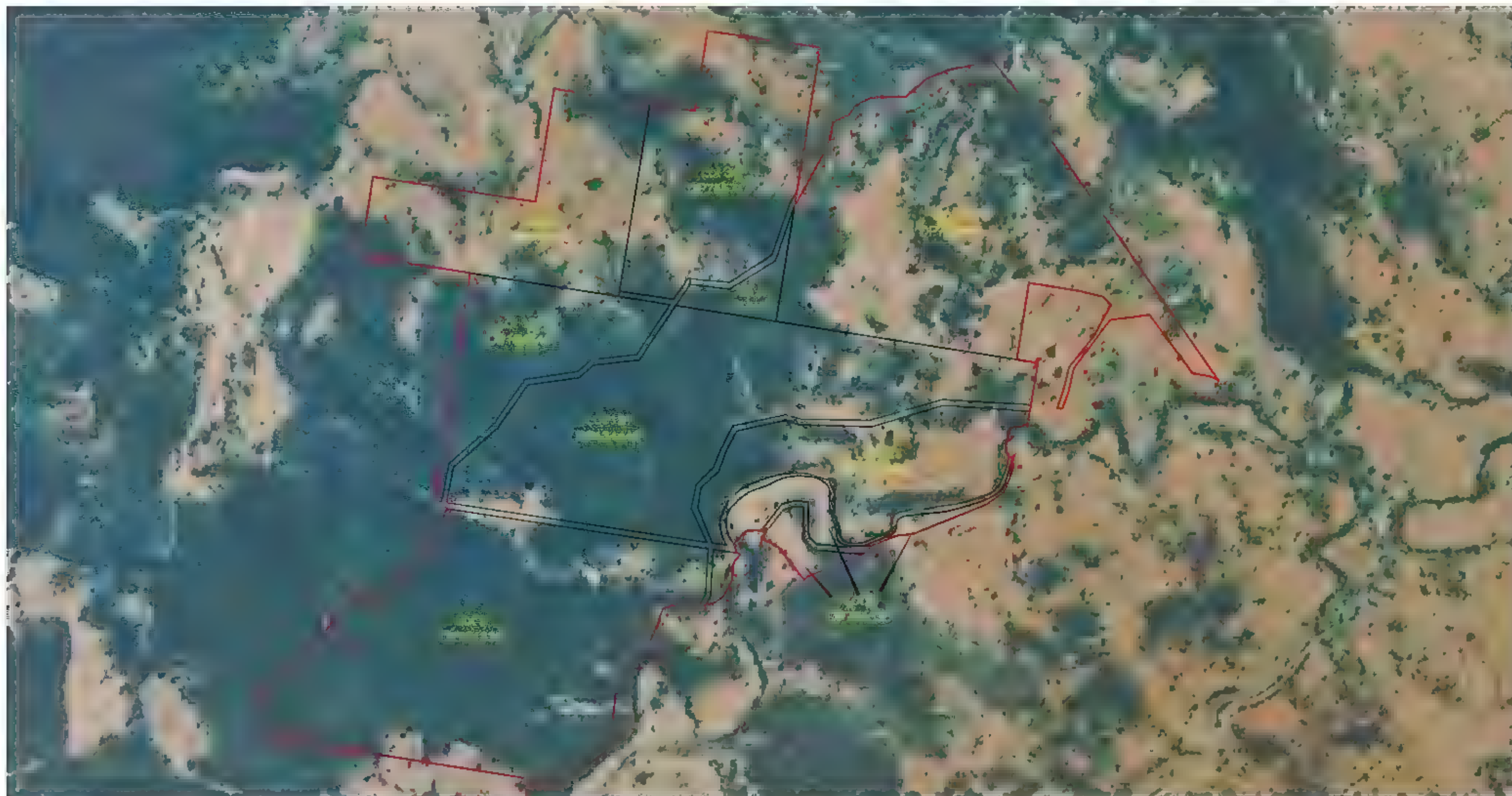
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Peter Van Lieshout

Project No.: 3500/53

PRINT DATE: 1 June 2008 8:41 am



200 0 200 400 600 800 1000m 120 000

Scale 1:20,000(A4)

LEGEND

 Site boundary

FIGURE 7 AERIAL PHOTOGRAPH OF SITE - 2000

Aerial photographs sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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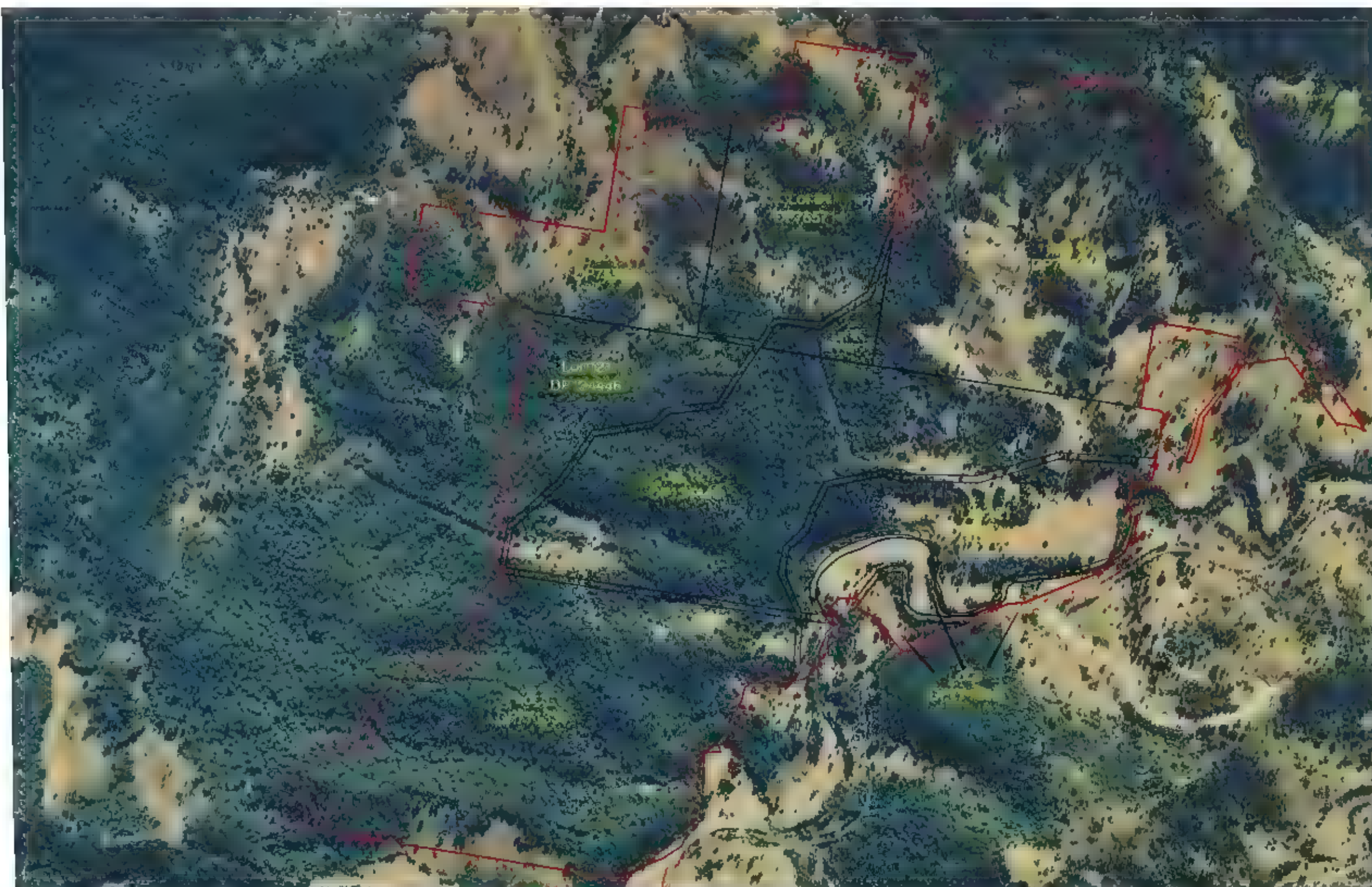
Rev: Orig. Date: 27 May 2008

Peter Van Lieshout

AC 3400 51 ATAC Contaminated Land Assessment Figure 2 of 5 - Historical Aerial Photography v1.dwg
XRL 5

Project No: 3500/53

PRINT DATE: 1 June 2008 8:41 am



200 0 200 400 600 800 1000m 120 000

Scale 1:20,000(A4)

LEGEND

 Site boundary

FIGURE 8 AERIAL PHOTOGRAPH OF SITE - 2004

Aerial photography sourced from Department of Lands NSW
Land Administration & Management Property & Spatial Information (Murrumbidgee)

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Peter Van Lieshout

AD FILE 113500 53 AFAD Contaminated Land Assessment Figure 2105 - Original Aerial Photography v3.dwg
XCL 5

Project No.: 3500/53

PRINT DATE: June 2008 8:41 am

APPENDIX A

Contaminated Lands Investigation

Lot 3 on DP 771335
Lot 121 on DP134446
Lot 4 on DP 737440
Lot 3 on DP755714
Lot 34 on DP755714



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref: **PF2970/2290**

Your Ref No:

For Enquiries
Please Contact: **Mark Longbottom**

Telephone: **(02) 6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request
Lot 3 DP 771335, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.
2. Data records reveal no known potentially contaminating activities on the subject site.
3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document '*Guidelines for Consultants Reporting on Contaminated Sites 1997*'.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:
Dataworks
File
Topographical Maps

LN 20438
PF2970/2290
Brays Creek 9541-111-S 1:25000 1975
Brays Creek 9541-111-S 1:25000 1986
Tyalgum 9541-111 1:50 000 1969



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 815, MURWILLUMBAH NSW 2494
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 176 732 496
www.tweed.nsw.gov.au



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref: DA2970/2265

Your Ref No:

For Enquiries
Please Contact: Mark Longbottom

Telephone: (02) 6670 2440

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request
Lot 121 DP 134446, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.
2. Data records reveal no known potentially contaminating activities on the subject site.
3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document '*Guidelines for Consultants Reporting on Contaminated Sites 1997*'.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

<u>References:</u>	LN 39731
Dataworks	DA2970/2265
File	Brays Creek 9541-111-S 1:25000 1975
Topographical Maps	Brays Creek 9541-111-S 1:25000 1986
	Tyalgum 9541-111 1:50 000 1969



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**TWEED
SHIRE
COUNCIL**

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Council Ref: **PF2970/2327/3**

Your Ref No:

For Enquiries
Please Contact: **Mark Longbottom**

Telephone: **(02) 6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request
Lot 4 DP 737440, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.
2. Data records reveal no known potentially contaminating activities on the subject site.
3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document '*Guidelines for Consultants Reporting on Contaminated Sites 1997*'.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:

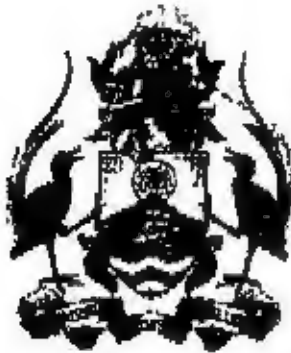
Dataworks
File
Topographical Maps

LN 24156
PF2970/2327/3
Brays Creek 9541-111-S 1:25000 1975
Brays Creek 9541-111-S 1:25000 1986
Tyalgum 9541-111 1:50 000 1969



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SHIRE
COUNCIL**

Please Quote
Council Ref:

LN: 20425, DA2970/2150

Your Ref No:

For Enquiries
Please Contact:

Mark Longbottom

Telephone:

(02) 6670 2440

5 June 2008

Cherie O'Sullivan
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request
Lot 3 DP 755714, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.
2. Data records reveal no known potentially contaminating activities on the subject site.
3. The topographical maps and aerial photography referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document '*Guidelines for Consultants Reporting on Contaminated Sites 1997*'.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:

Datavorks

File

Topographical Maps

Aerials

LN 20425

DA2970/2150

Brays Creek 9541-3-S 1:25000 1986

Brays Creek 9541-3S 1:25000 2002

Tyalgum 9541-111 1:50 000 1969

2007, 2004, 2001, 2000 and 1977 (10/12/77 run 2)



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref:

LN: 20817, DA2970/3400

Your Ref No:

For Enquiries
Please Contact:

Mark Longbottom

Telephone:

(02) 6670 2440

5 June 2008

Cherie O'Sullivan
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request
Lot 34 DP 755714, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.
2. Data records reveal no known potentially contaminating activities on the subject site.
3. The topographical maps and aerial photography referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document '*Guidelines for Consultants Reporting on Contaminated Sites 1997*'.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

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APPENDIX B

Planning Certificates under Section 149 of the EPA Act

**Lot 3 on DP 771335
Lot 121 on DP134446
Lot 4 on DP 737440
Lot 3 on DP755714
Lot 34 on DP755714**